

bmj.com news roundup

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EU patients are entitled to primary care in any member country

The European Court of Justice has given a landmark ruling that two Dutch patients needed no prior authorisation for "non-hospital" care received in another European Union country.

It establishes the principle that barriers to providing "non-hospital" services, such as general practice and dentistry, are unjustified. Patients are theoretically free to visit a doctor in any EU country, thus avoiding waiting lists.

The judgment considered the case of two patients, both of whom were Dutch. Ms V Müller-Fauré had dental treatment while on holiday in Germany in 1994 that cost nearly DM7500 (£2720; \$4420; €3835). Ms E van Riet, who had had pain in her wrist for many years, had arthroscopy and an ulna reduction in Belgium in 1993, costing nearly Bfr95 000 (£1670).

Both women's claims for costs were rejected by the health insurers because no prior authorisation had been given. The court found that Dutch law "deters or even prevents" people applying to medical providers in other member states. This constituted "a barrier to freedom to provide services," for the insured and for the provider.

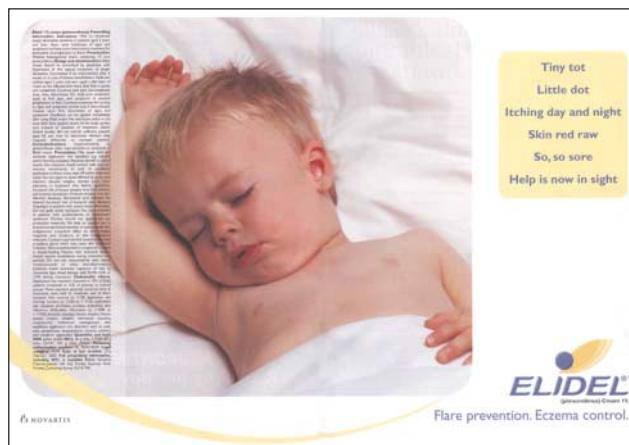
Tony Sheldon *Utrecht*

More details can be accessed at: www.curia.eu.int

Couple at centre of IVF controversy begin treatment

The first couple in Britain to be allowed to try to conceive a baby to save the life of an existing child were due to start in vitro fertilisation treatment as the *BMJ* went to press this week.

The Court of Appeal last week gave reasons for its decision last month (12 April, p 782) that overturned a High Court ruling that the Human Fertilisation and Embryology Authority acted outside its powers when it



Drug company accused of breaking advertising regulations

The *Drug and Therapeutics Bulletin* has accused the drug company Novartis of breaching advertising regulations in its advertisement for pimecrolimus, a new cream for treating dermatitis (2003;41(5):33-6).

The bulletin was concerned that while the licence limited the use to patients aged 2 years or older, the recent advertisement, published in many medical journals, shows a baby who looks younger than 2 years, implying that the cream could be used on babies below that age. The bulletin is consequently demanding that the drug's licence be withdrawn.

But a spokesman for Novartis, which markets the drug as Elidel, said that the child used in the advertisement was not younger than 2.

Dr Richard Chiswell, medical adviser to the company, said: "The boy used for the advertisement was actually 2 years and 5 months old." But he admitted that the Medicine and Healthcare Products Regulatory Agency had recently drawn their attention to the fact that "the boy looks younger to many people."

He said that Novartis was "sorry for this misunderstanding" as it was "not our intention to give the impression that pimecrolimus should be prescribed to children younger than 2 years." The company has stopped the advertising campaign.

Fabian Waechter *BMJ*

gave the go-ahead for Shahana and Raj Hashmi to use pre-implantation genetic diagnosis with tissue typing to try to produce a baby who would be an exact match for their son, Zain, who has β thalassaemia.

The couple hopes that stem cells from the baby's umbilical cord blood will cure Zain, aged 4.

Lord Phillips, master of the rolls, said: "My conclusion is that whether the pre-implantation genetic diagnosis has the purpose of producing a child free from genetic defects, or of producing a child with stem cells matching a sick or dying sibling, the IVF treatment that includes the [diagnosis] constitutes 'treatment for the purpose of assisting women to carry children.'"

Clare Dyer *legal correspondent, BMJ*

Support from G8 countries boosts cash for global fund

The world's seven richest nations and Russia are expected to renew their support for the Global Fund to Fight AIDS, Tuberculosis and Malaria at the G8 meeting in June, a move that fundraisers say will spur governments to plug a budget gap of \$1.3bn (£0.8bn; \$1.1bn) for vital new projects.

The fund needs \$1.6bn to finance projects when it considers the next round of proposals in October 2003 but currently has less than \$300m.

Jon Liden, a spokesman for

the Geneva based fund, said the G8, which comprises Canada, France, Germany, Italy, Japan, the United Kingdom, the United States, and Russia, "have signalled they will renew their commitment in a declaration at a 1-3 June meeting in the French town of Evian."

Fiona Fleck *Geneva*

Blair says whole of NHS should be opened up to competition

Prime Minister Tony Blair told a meeting of private healthcare executives that he wanted to open the whole of the NHS to outside competition.

Mr Blair met managers from private US, European, and South African companies bidding to run 11 diagnostic and treatment centres, which will perform operations in specialties that have the highest waiting times—such as knee, hip, and cataract surgery.

According to a report in the *Guardian* (14 May, p 11), Mr Blair said: "We are anxious to ensure that this is the start of opening up the whole of the NHS supply system so that we end up with a situation where the state is the enabler, it is the regulator, but it is not always the provider."

In total, there will be 46 diagnostic and treatment centres run by the NHS, 11 by the independent sector, and eight run jointly by the NHS and the independent sector. The Department of Health hopes that the centres will do 39 500 operations a year by 2005, treating an extra 54 000 patients a year.

Anne Gulland *London*

First wave of foundation hospitals unveiled

The government last week named the 29 hospitals in England that will make up the first wave of applicants for the controversial "foundation" hospital status.

The trusts will have freedom from Whitehall control and will be able to set their own pay